

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

GETZELL JOHNSON MURRELL, JR. §

VS. § CIVIL ACTION NO. 1:01cv184

ERNEST V. CHANDLER, ET AL. §

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Getzell Johnson Murrell, Jr., an inmate formerly at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se* and *in forma pauperis*, brought this lawsuit against Ernest V. Chandler, Al Haynes, Marie J. Carter, Roger Korby, John Woltjen, Ronald G. Thompson, O. Ivan White, M.L. Mallisham, Rickey A. McIntosh, Rita Sackett, Deon Clayton, Endora Hambrick, Frederick Frandle, Peggy Saputo, Wallace Williams, Matthew Schuldt, and Harrell Watts.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that the defendants' motion to dismiss and for summary judgment should be granted, and plaintiff's complaint should be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes plaintiff's objections are without merit.

For the reasons stated in the report and recommendation of the magistrate judge, as well as the reasons set forth in the defendants' motion to dismiss and for summary judgment, the defendants' motion to dismiss and for summary judgment should be granted and the defendants are entitled to qualified immunity.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED that the defendants' motion to dismiss and for summary judgment is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this 21 day of March, 2007.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE